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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

UNITED STATES OF AMERICA

3:13-CR-00452-JO

v.

JOINT STIPULATION

OMAR MARTINEZ-RODRIGUEZ,

Defendant.

United States of America, by and through S. Amanda Marshall, United States Attorney for the District of Oregon, Leah K. Bolstad, Assistant United States Attorney, Steven T. Mygrant, Special Assistant United States Attorney hereby presents a stipulation as requested by the Court. The government has conferred with defense counsel, and they agree to the following three-part stipulation:

1. An individual can turn off his phone in order to keep his location private.
2. In general, if a phone is on, the phone's location is known to the service provider as that information is critical for providing service; however, there may be certain phones that are capable of preventing location monitoring while on, and new technologies are developing in that

regard every day. Other than turning the phone off entirely, the government is not aware of any special technology in this defendant's phone (a Samsung SGH-a157, a basic flip phone) that could prevent/block the provider from capturing GPS/precision location information while the phone is on/active.

3. In general, cell phone providers do not provide the government with GPS/precision location information without a search warrant.

Dated this 9th day of January 2014.

Respectfully submitted,

S. AMANDA MARSHALL
United States Attorney

s/Leah K. Bolstad
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